

United States District Court

WESTERN DISTRICT OF WASHINGTON

CHARLES FRANK LOWERY

JUDGMENT IN A CIVIL CASE

v.

TIMOTHY WENGLER and THE ATTORNEY
GENERAL OF THE STATE OF WASHINGTON

CASE NUMBER: C08-5302BHS/KLS

____ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

The Court adopts the Report and Recommendation (Dkt. 7);

The petition (Dkt. #1) is **TRANSFERRED TO THE NINTH CIRCUIT AS A SECOND OR SUCCESSIVE PETITION.**

Petitioner's Motion for Evidentiary Hearing (dkt. #7) is **DENIED without prejudice** pending a decision by the Ninth Circuit as to whether Petitioner may proceed with his petition.

____ June 24, 2008
Date

____ BRUCE RIFKIN
Clerk

____ *s/CM Gonzalez*
Deputy Clerk